

REMARKS

Claims 1-20 were pending in this application. Claims 13-18 and 20 were withdrawn and are canceled herein, as a result of a restriction requirement. Claims 1-12 and 19 have been have been rejected. Reconsideration of claims 1-12 and 19 based on the following remarks is respectfully requested.

Claim Rejections under 35 U.S.C. § 102(e) and §103(a)

Claims 1, 2, 6-12 and 19 have been rejected under 35 U.S.C. §102(e) as being anticipated by Haung et al. (6,699,427).

Claims 2, 3, 4 and 19 have been rejected under 35 U.S.C. § 103(a) as being obvious over Haung et al. (427) in view of Kalnins (4,252,513).

Claims 1-4, 7, 8, 10-12 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sohda (5,523,035) in view of Kalnins (513).

Claims 5 and 6 have been rejected under 35 U.S.C. §103(a) over Sohda (035) in view of Kalnins and further in view of Heitman (3,254,143) and Ho (5,037,626).

Claim 7 has been rejected under 35 U.S.C. §103(a) over Sohda (035) in view of Kalnins and further in view of Hatch (4,252,145).

Claim 9 has been rejected under 35 U.S.C. §103(a) over Sohda (035) in view of Kalnins and further in view of Klett (5,744,075).

These rejections are respectfully traversed. Reconsideration and withdrawal thereof are requested.

Haung et al. (427) is not Prior Art

In the response filed April 20, 2007, Applicant submitted a declaration of Irwin C. Lewis to establish that Haung et al. (427) is not available as prior art against the above-captioned application. This declaration was deemed ineffective, since it was not filed by all inventors, and for the use of expressions such as “at least as early as.” Submitted herewith, in place of the previously submitted declaration, is a declaration signed by Irwin C. Lewis and Richard T. Lewis, both inventors on the above-captioned application (signed in duplicate); the third inventor, Dai Huang is, according to information and belief, currently living in China, and his specific address is not known, as stated by Mr. I. Lewis and Mr. R. Lewis in their declaration. This new declaration also corrects the insufficient language noted in the Office Action, and now affirmatively states that the invention of the above-captioned application was completed prior to the effective filing date of the Huang et al. (427) patent.

As such, Haung et al. (427) is not applicable prior art and Applicants respectfully request reconsideration and withdrawal of the rejections based thereon.

Thus, in light of the foregoing, it is respectfully asserted that all claims should be considered in condition for allowance.

More specifically, and as previously noted, claim 1 teaches, among other features, a method of forming a composite material. The method comprises combining carbon-containing fibers, a carbonizable matrix material which includes a thermoplastic pitch, and a friction additive to form a mixture, heating the mixture to a sufficient temperature to melt at least a portion of the matrix material by applying an electric current to the mixture and applying a pressure of at least 35 kg/cm² to the mixture to form a compressed composite material.

Claims 2-12 are dependent back to patentability distinct Claim 1, and include features not disclosed in the prior art. As such, Claims 2-12 are patentable.

Claim 19 teaches, among other features, a method of forming a composite material comprising compressing a mixture of carbon fibers, a matrix material which includes a thermoplastic pitch, and a friction additive, wherein said additive comprises at least one of a carbide, an oxide, isotropic coke, and combinations thereof.

Applicants petition the Commissioner for a one month extension of time for responding to the Office Action, extending the time for response to October 29, 2007.

Respectfully submitted,

/James R. Cartiglia, Reg. No. 30,738/

James R. Cartiglia

Registration No. 30,738

WADDEY & PATTERSON

A Professional Corporation

Customer No. 23456

ATTORNEY FOR APPLICANTS

James R. Cartiglia
Waddey & Patterson
1600 Division Street, Suite 500
Roundabout Plaza
Nashville, TN 37203
(615) 242-2400

CERTIFICATE OF ELECTRONIC FILING

The undersigned hereby certifies that the foregoing Response To Office Action was electronically filed with the U.S. Patent and Trademark Office on October 29, 2007.

/James R. Cartiglia, Reg. No. 30,738/
James R. Cartiglia
Registration No. 30,738